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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SEP 30 2008

Coleen Sullins, Director
Division of Water Quality
North Carolina Department of Environment
and Natural Resources
1617 Mail Service Center
Raleigh, North Carolina 27699-1617

Dear Ms. Sullins:

The U. S. Environmental Protection Agency (EPA) received the revisions to *15A NCAC 2B Surface Water and Wetlands Standards, Section .0300 Assignment of Stream Classification* which were submitted for review by letter, dated March 19, 2008, and received on March 21, 2008. This letter is in reference to the reclassification of the North Fork First Broad River in the Broad River Basin (*15A NCAC 2B .0306*).

The public hearing for this revision was held on September 25, 2006, with an effective date of March 1, 2007. This reclassification was certified by the North Carolina Attorney General by letter, dated March 13, 2008, as duly adopted pursuant to State law. In accordance with 40 CFR Section 131.21(c), new and revised State and Tribal water quality standards are not effective for Clean Water Act (CWA) purposes until approved by EPA.

The use designations for six segments in the watershed of the North Fork First Broad River in the Broad River Basin were revised to include the Outstanding Resource Water (ORW) supplemental classification ("unique and special surface waters of the state...of exceptional state or national recreational or ecological significance...and exceptional water quality", *15A NCAC 2B .0225*). The segments will retain their existing primary and supplemental classifications of Class C and Trout (Tr). A list of the reclassified waterbodies is enclosed.

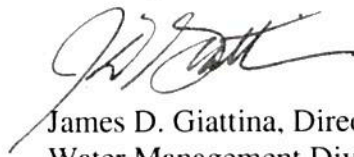
In May 2004, Concerned Citizens of Rutherford County submitted an application to the North Carolina Division of Water Quality (DWQ) to request the reclassification of the North Fork First Broad River to include the High Quality Water (HQW) supplemental designation. DWQ's initial review resulted in an expanded request recommending that the entire watershed be assessed for consideration as ORW. The Biological Assessment Unit of DWQ completed the assessment in March 2005, which confirmed that this watershed met the definition of ORW, including: (1) "Excellent" ratings for both fish and macroinvertebrate communities; (2) special designations including sections under the National Heritage Program and Rollins/South Mountain Natural Area; and (3) documentation that this area is habitat for several species of ecological significance. It is noted that over one thousand public comments (original and template letters), including both residents within and outside of Rutherford County were submitted in support of this revision. No comments were received in opposition.

Under North Carolina's water quality standards, ORWs are a special subset of HQWs. North Carolina's Antidegradation Policy states that the existing uses and the water quality to protect such uses shall be protected by properly classifying surface waters and having standards to protect these uses (*15A NCAC 02B .0201(b)*). This policy, which incorporates EPA's antidegradation regulations by reference, states that the quality of waters determined to be ORW "...shall be maintained such that existing uses, including the outstanding resource values of said Outstanding Resource Waters, shall be maintained and protected." The requirements specified in *15A NCAC 02B .0225 Outstanding Resource Waters*, as well as additional referenced requirements (*15A NCAC 04B .0124 Design Standards in Sensitive Watersheds*, *15A NCAC 02H .1007 Stormwater Requirements: ORWs*, and *15A NCAC 02N .0301 Performance Standards for New USTs*) will now apply to the enclosed list of waters. There were no additional special conditions deemed necessary for the protection of these waters.

EPA has determined that the revisions are consistent with the federal water quality standards regulations at 40 CFR Part 131 and the CWA. In accordance with Section 303(c) of the CWA and 40 CFR Part 131, EPA is approving these revisions. In accordance with 40 CFR 131.21(c), the revised State water body classifications are now considered effective for CWA purposes.

This revision demonstrates an outstanding example of North Carolina's process for stakeholder involvement in attaining the highest level of protection for State waters. DWQ's Classifications and Standards Unit is commended for expanding the request to include the entire watershed and revising the designation to ORW. Should you have questions, please feel free to contact me at (404) 562-9470, or have your staff contact Lisa Perras Gordon at (404) 562-9317

Sincerely,

A handwritten signature in black ink, appearing to read "J. Giattina", is written over a horizontal line.

James D. Giattina, Director
Water Management Division

Enclosures (1)

Enclosure 1: Use Designation Modification List of Stream Segments

Broad River Basin

<u>Name of Stream</u>	<u>Description</u>	<u>Existing Class.</u>	<u>Proposed Class.</u>
North Fork First Broad River	From source to First Broad River	C Tr	C Tr ORW
Roper Creek	From source to No. Fork First Broad River	C Tr	C Tr ORW
Johanna Branch	From source to Roper Creek	C Tr	C Tr ORW
Negro Creek	From source to No. Fork First Broad River	C Tr	C Tr ORW
Sally Queen Creek	From source to No. Fork First Broad River	C Tr	C Tr ORW
Collins Creek	From source to No. Fork First Broad River	C Tr	C Tr ORW